

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ALBERT TASHCHIAN,)	Case No.: 1:25-cv-00752-SKO (HC)
)	
Petitioner,)	ORDER DENYING PETITION FOR WRIT OF
)	HABEAS CORPUS AND DIRECTING CLERK OF
)	COURT TO ENTER JUDGMENT AND CLOSE
v.)	CASE
)	
)	
WARDEN OF GOLDEN STATE ANNEX)	
DETENTION FACILITY, et al.,)	
)	
Respondents.)	
)	

Petitioner is an immigration detainee proceeding pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. All parties have consented to the jurisdiction of a United States Magistrate Judge for all further proceedings in this action, including trial and entry of judgment, pursuant to 28 U.S.C. 636(c)(1). Accordingly, the matter was reassigned to the undersigned for all further proceedings including trial and entry of judgment. (Doc. 10.)

Petitioner challenges his continued detention by the Bureau of Immigration and Customs Enforcement (“ICE”). He claims he should be immediately released or granted release on bond, because he has detained for longer than six months with no neutral decisionmaker having conducted a hearing to determine whether his continued incarceration is warranted based on danger or flight risk.

Respondent contends that Petitioner's detention is constitutional, and that removal is foreseeable in the near future. As set forth below, Petitioner is not entitled to release at this time or a bond hearing.

I. BACKGROUND¹

Petitioner was born in what is now Armenia, and he was paroled into the United States in 1987 while a citizen of the Union of Soviet Socialist Republics ("USSR"). In 2022, Petitioner was convicted in Fresno County Superior Court of dissuading a witness from prosecuting a crime, and was sentenced to two years imprisonment. (Doc. 11-1 at 2.)

On December 4, 2024, the Bureau of Immigration and Customs Enforcement ("ICE") took Petitioner into custody and placed him in removal proceedings under Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act ("INA"). On December 16, 2024, an immigration judge ordered Petitioner to be removed to Brazil, or in the alternative, Armenia. (Doc. 11-1 at 2.) Petitioner waived his rights to appeal and the order became final. (Doc. 11-1 at 2.)

On December 19, 2024, ICE prepared and sent an application for a travel document to Brazil. (Doc. 11-1 at 3.) On December 23, 2024, Brazil denied acceptance of Petitioner. (Doc. 11-1 at 3.)

On December 27, 2024, ICE prepared and sent an application for a travel document to Armenia. (Doc. 11-1 at 3.) On April 4, 2025, the Armenian consulate denied the application for travel document. (Doc. 11-1 at 3.)

On May 19, 2025, ICE prepared and resubmitted the application for a travel document. (Doc. 11-1 at 3.) The application remains pending, and ICE believes there is a significant likelihood of removal in the foreseeable future. (Doc. 11-1 at 3.)

On June 20, 2025, Petitioner filed a petition for writ of habeas corpus. (Doc. 1.) On August 7, 2025, Respondent filed a response to the petition. (Doc. 11.) Petitioner did not file a traverse to the response.

II. DISCUSSION

Petitioner states he has been continuously detained since approximately December 4, 2024. He claims ICE will not be able to remove him because he is a citizen of the former U.S.S.R., and

¹ This information is derived from the parties' pleadings and the exhibits submitted by Respondent.

1 therefore, Armenia will not accept him. He claims he should be given a bond hearing, or in the
2 alternative, released from custody.

3 1. Post-Removal Detention Period

4 The removal period set forth in 8 U.S.C. § 1231(a)(1)(B) is 90 days from the date the order of
5 removal becomes administratively final, and the detention is governed by § 1231(a)(2). The Attorney
6 General is required to remove the alien from the United States within this 90-day removal period.
7 Beyond the 90 days, ICE has the discretionary authority under § 1231(a)(6) to detain certain aliens or
8 to release them under an order of supervision. Here, Petitioner has been detained beyond the 90-day
9 removal period. He was taken into ICE custody on December 4, 2024, and his removal order became
10 final on December 16, 2024. The parties do not dispute that Petitioner has been detained for
11 approximately six months beyond the general 90-day removal period.

12 Continued detention beyond the removal period is governed by the Supreme Court decision in
13 Zadvydas v. Davis, 533 U.S. 671 (2001). In Zadvydas, the Supreme Court adopted a presumptively
14 reasonable six-month period of detention. Id. Beyond that six-month period, an alien is entitled to
15 relief if he “provides good reason to believe that there is no significant likelihood of removal in the
16 reasonably foreseeable future.” Id. at 701. “And for detention to remain reasonable, as the period of
17 prior postremoval confinement grows, what counts as the ‘reasonably foreseeable future’ conversely
18 would have to shrink.” Id.

19 Petitioner has been detained approximately three months beyond the presumptively reasonable
20 six-month period of detention. The Court finds that Petitioner has not met his burden to show that
21 there is no significant likelihood of removal in the reasonably foreseeable future. As noted by
22 Respondent, although there is an issue as to Petitioner’s citizenship status, it is undisputed Petitioner
23 was born in what is now Armenia. Although Armenia initially denied the application for a travel
24 document, ICE resubmitted the application in late May and is currently working toward obtaining a
25 travel document. Given the application for travel document was recently resubmitted, and a decision
26 from Armenia is pending, it cannot be said that Petitioner is unremovable. He has not established that
27 he “is unremovable because the destination country will not accept him or his removal is barred by our
28

own laws.” Prieto-Romero v. Clark, 534 F.3d 1053, 1063 (9th Cir. 2008) (citing Zadvydas, 533 U.S. at 697).

The Court further finds that Petitioner’s detention to date is not unreasonable. The circumstances of Petitioner’s citizenship at the time he was paroled into the United States have created some obstacles. ICE has been diligent in working toward obtaining a travel document for Petitioner’s removal. The period of detention beyond that which is considered presumptively reasonable is short – three months. By comparison, in Zadydas, the petitioner had been detained for several years while efforts to remove him to Germany, Lithuania and Dominican Republic had proved unsuccessful, and there was no significant likelihood that the circumstances would change, and deportation would be accomplished. Zadvydas, 533 U.S. at 684-85.

The Court finds that Petitioner has not shown “that there is no significant likelihood of removal in the reasonably foreseeable future.” Id. at 70. Should Armenia again deny the application and the denial is a refusal to accept Petitioner, Petitioner’s claim would have more merit. As of now, however, Petitioner has been detained a relatively short period of time beyond the presumptively reasonable time period, an application for travel document is currently pending, and removal remains reasonably foreseeable in the near future.

2. Bond Hearing

Petitioner also alleges entitlement to a bond hearing. Respondent correctly notes that Petitioner’s arguments rely entirely on authority interpreting 8 U.S.C. §§ 1225 & 1226. Petitioner is not being detained pursuant to these statutes, but rather pursuant to § 1231. Petitioner has apparently copied pleadings from other inmates who, unlike him, are contesting their removability while being detained. Petitioner has been ordered removed and waived his rights to appeal; thus these arguments are inapplicable.

Petitioner nevertheless alleges due process entitles him to a bond hearing for his continued detention. He contends the Court should balance certain factors in determining what process is due. As noted by the Eighth Circuit in Banyee v. Garland, 115 F.4th 928, 933 (8th Cir. 2024) (citing Zadvydas, 533 U.S. at 682), the Supreme Court in Zadvydas has already done whatever balancing is necessary by

1 linking a “reasonable time limitation” to “the likelihood or removal in the reasonably foreseeable
2 future.”

3 **III. ORDER**

4 Based on the foregoing, IT IS HEREBY ORDERED:

- 5 1) The petition for writ of habeas corpus is DENIED; and
6 2) The Clerk of Court is directed to enter judgment against Petitioner and close the case.

7
8 IT IS SO ORDERED.

9 Dated: **September 19, 2025**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE